

COMMISSIONERS APPROVAL

CHILCOTT

LUND *Btt*

THOMPSON *AT*

TAYLOR (Clerk & Recorder)

Date.....May 23, 2006

Members Present.....Commissioner Greg Chilcott and
Commissioner Alan Thompson

Minutes: Glenda Wiles

The Board met to continue their discussion of polling place parking lots. Commissioner Thompson explained this is a continuation of the meeting from yesterday. Present were David Ohnstad, Road Department; Regina Wilson and Nedra Taylor, Clerk & Recorder.

David presented an abstract of proposals for parking area paving, handicap access. (See attached). David said he received one proposal that conforms to the specifications. The Road Department estimate differed from the bid by approximately \$700. The estimate provided, with the help of the Elections officer, was predicated on the assumption that the Road Department equipment and supplies would be used. We are not doing that now. Therefore, the County's in-kind match must be approximately \$4000. We are asking for an expedited schedule. The issue is that the grant application used our estimate as basis for their grant, falling short by some \$700. The Road Department will be installing the signs.

Commissioner Thompson said it would be a benefit to Ravalli County citizens, 75% paid for by the State and 25% by the County. There is no downside.

Commissioner Chilcott said the county would have to come up with that 25% in cash now. If the county can't demonstrate that we have \$5000 in kind they may pull the grant.

David said we would be able to reconcile that. He recommended approval of the contract.

Regina said it would be used at Sula Clubhouse, Darby Church, some schools, etc. Commissioner Lund is on the Board forwarding these grants.

Commissioner Chilcott said we must do it right, try to get an easement granted, identify values and attempt to get some of the money back through agreements with recipients.

Commissioner Thompson made a motion to accept the bid from Helena Sand and Gravel, Hamilton, Montana, for paving and handicap access. Commissioner Chilcott seconded the motion, and all voted 'aye'.

In other business the Board held a public hearing for the purpose of taking public comment on the remote access fee for document indexing, tax and assessor. Currently the fee is \$400.00 per year and the public hearing is to lower the fee to \$100.00 per user with a cap of \$400.00. Present at this meeting was I.T. Director Joe Frohlich, Clerk & Recorder Nedra Taylor, Elections Supervisor Regina Wilson, Deputy Clerk & Recorder Tena Miller and Treasurer JoAnne Johnson. Commissioner Chilcott called the hearing to order by reading the legal notice. Civil Counsel James McCubbin was also present.

Nedra stated these are the proposed fees. Joe stated the whole idea is to make the access more available to the general public. The \$6,000-\$7,000 in revenue will go towards the payment of the web pay and web doc, which allows payment and viewing on line by the citizens. Discussion noted the benefit to the County is that service is provided to the public without personnel service. JoAnne noted on the first day \$4,800.00 was paid in taxes on line. James noted there is no statute that requires we charge fees to cover everything. This is a service the government provides and more fees could be charged. Joe stated between Clerk and Recorder, Treasurer, and I.T. we were going to pay for the balance of the software.

Joe stated they currently have 19 users, 9 of whom are employees of First American Title Co. Nedra stated Lake County charges \$20 per month per individual, \$40 per month per company, and \$100.00 per month for realtors. What Ravalli County is looking at is \$10 per month per individual. We believe this amount would generate around \$20,000.00.

Commissioner Chilcott asked if there was any way to figure out the time spent on the users, which would give them a clear way to identify an hourly rate. Nedra indicated that would be extremely time consuming. Joe stated once they got up and running they can look at this, but it would be tough to track. They can see when they log on and off. It was noted the 'log on' does not add burden to the system. Commissioner Chilcott stated if they are trying to define a use benefit, time spent might be a way to monitor it.

Rick Furman suggested a fee for annual use not based on usage, because you would have a collection issue, which would cost the County time. Also the benefits to the community to be able to do things on line are important and will also be a benefit to the County. Rick also stated over time there would be more people accessing this than what they expect.

Regina stated there are real estate offices in Missoula that would like to get on line but at \$400.00 it would not be worth it. However, it would be worth it at \$120.

Joe stated if they charge \$120.00 per user with a cap of \$400.00 they would generate \$1,600.00. James stated if the fees are going to work, then you can work out the

implementation later. You might want to postpone the hearing, allowing Joe to 'tweak' this better, and then set another meeting for the actual establishment of fees.

Rick suggested a user I.D. could be provided for the annual fee. Joe agreed and stated he is looking into that.

Joe and Nedra stated they would like to charge the fees beginning July 1st, whether they sign up in October or not. Joe also stated any inactive user after 18 months would have to pay another user fee again.

Rick asked if this discussion is predicated on the software purchase. Joe stated it is.

Commissioner Thompson made a motion to continue this meeting until tomorrow at 3:00 p.m. Commissioner Chilcott seconded the motion and all voted "aye".

The hearing was adjourned.

The Board met with DUI Task Force Coordinator, Glenda Wiles, to review and approve the Ravalli County DUI Task Force Plan for July 1, 2006 through June 30, 2007 to the State of Montana. Commissioner Thompson made a motion to sign the Ravalli County DUI Task Force Plan Request for funding. Commissioner Chilcott seconded the motion and all voted "aye".

The Board met to discuss the Floyd Renascent INC. flood plain violations. Present at this meeting was Interim Planning Director Karen Hughes, Civil Counsel James McCubbin, DNRC Representative Carl Christians, and Flood Plain Administrator Laura Hendrix. James stated the County has been involved in this issue for 23 months. The property is located on Bell Crossing at Highway 93 on the west side of the river. A residence, barn and sheds are on the property. James stated he has filed a public nuisance and abatement request in court this date.

Carl stated they can utilize Section 13-16 which is an enforcement code to actually deny the issuance of flood insurance. Carl stated this is not utilized very often but it has been used in other states. If there is no insurance on the place and he goes to sell it, he can not get insurance or financing. He brings structure into compliance to remove 13-16 so insurance can be bought, or he reduces the value so a buyer can cash him out. Carl stated FEMA wants the local government to try and remedy this first before moving forward with the enforcement from their agency.

James stated the regulations do allow the 13-16 code to be utilized while they are dealing with the litigation. They have structures, culverts and roads that have been placed there.

Commissioner Chilcott asked if they removed his insurance, what remedy would there be for the down stream property owners if they needed to recover their damages if anything were to happen. He stated they would be taking other people's insurance (recourse) away from them.

James stated this person has been 'blowing the county off' and he continues to construct the roads, culverts, retaining walls etc., and if the county does not continue with their pursuance, then we are negligent. Carl stated FEMA is happy if structures meet their minimum criteria even though it goes against our local regulations. Other options include a 'lis pendence' on the property.

Commissioner Chilcott asked how the county can move forward with criminal charges on Gary Shook but not on this one. James stated the county can proceed either way, Shook was blatant and knowing. We do not know that of this case and this case is somewhat more complicated. They also need to obtain their discovery civilly and not criminally. Much of it is strategy and knowledge of the case.

James stated they do not want to send this to FEMA if it is not the right case to send to them.

Laura stated they are aware of this and if we do not proceed are we in violation of our own regulations and the county will be in non-compliance. Carl stated he has dealt with FEMA in other cases and found they only meet the minimum criteria; so no sense to worry about non-compliance. Commissioner Chilcott noted the county regulations state we file the 13-16, but that is not fair to the downstream users. James stated if we are told we are non-conforming then we can file it very quickly. James stated the regulations state "shall" file.

Commissioner Thompson stated it does affect the structure to put 13-16 into effect. James stated he and Laura will research this some more. Commissioner Chilcott stated the language should be 'may'.

Laura stated she does not want the county to be suspended from the program. James stated that would not occur overnight. At this point, if it does not have any affect and there are no concerns over the insurance, he will hold up on the filing of the 13-16. The Board concurred.

In other business, Commissioner Thompson attended a RAC meeting at the Forest Service Office during the evening hours.